

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

KIMBERLY BIVENS,

Defendant.

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Case No. 8:12CR177

ORDER

This case came before the Court on a Petition for Action on Conditions of Pretrial Release (#26). On September 10, 2012 Pretrial Services Officer Assistant Theresa Rerucha submitted a Petition for Action on Conditions of Pretrial Release alleging that Defendant had violated conditions of release as follows:

1. The defendant shall not commit any offense in violation of federal, state or local law while on release in this case.

On September 9, 2012, the defendant was taken into custody by Omaha Police Department for Destruction of Property. She is currently being held on a \$50,000 bond.

A warrant for Defendant's arrest was issued.

Defendant appeared before the undersigned magistrate on September 21, 2012. Brandie M. Fowler represented Defendant. Frederick Franklin, Assistant United States Attorney, represented the Government. After being advised of the nature of the allegations, rights, and the consequences if the allegations were found to be true, Defendant admitted the allegations. The Court took judicial notice of the Memorandum of Pretrial Services Officer Assistant Theresa Rerucha dated September 21, 2012. The Court finds the allegations set out in the petition are generally true and finds the Defendant violated the conditions of release.

After providing both parties an opportunity for allocution as to disposition and considering the report of Pretrial Services, I find the Order Setting Conditions of Release (#7) should be revoked. I find the issue of detention is continued for hearing before United

States Magistrate Judge Thomas D. Thalken at 9:00 A.M., on September 26, 2012.

IT IS ORDERED:

1. The Petition for Action on Conditions of Pretrial Release (#26) is granted; and
2. The issue of detention is set for hearing before United States Magistrate Judge

Thomas D. Thalken at 9:00 A.M., on September 26, 2012.

Dated this 21st day of September 2012.

BY THE COURT:

s/ F.A. Gossett, III
United States Magistrate Judge